IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

LA. App. No. 1338 of 2000(D)

LAR.100/1991 of II ADDL. SUB COURT, THRISSUR
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APPELLANTS - ADDL. CLAIMANTS:
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1. **C.M. JOHN, SON OF MATHEW,**
   CHETTUPUZHAKKARAN HOUSE,
   LATIN CHURCH ROAD, THRISSUR - 1 (DIED).

2. **DR. C.J. JOSE, SON OF JOHN CHETTUPUZHAKKARAN,**
   POLICE STATION ROAD, KUNNAMKULAM, THRISSUR DIST.
   (AS THE LEGAL REPRESENTATIVE OF C.M. JOHN).

   BY ADV. SRI. P. RAVINDRAN
   SRI. P.M. KURUVILLA
   SRI. JOSE THOMAS

RESPONDENTS - RESPONDENTS:
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1. **THE SPECIAL TAHSILDAR (L.A.), THRISSUR**
   MUNICIPALITY, THRISSUR.

2. **THE THRISSUR MUNICIPALITY, THRISSUR,**
   REPRESENTED BY THE MUNICIPAL COMMISSIONER,
   THRISSUR.

3. **THE STATE OF KERALA, REPRESENTED BY THE CHIEF**
   SECRETARY TO GOVERNMENT OF KERALA, SECRETARIAT,
   THIRUVANANTHAPURAM.

   BY ADV. SRI. K.B. MOHANDAS, SC, THRISSUR CORPORATION
   SRI. LELLULAL T.G. THUNDATHIL
   GOVERNMENT PLEADER SRI. K.V. MANOJ FOR R1 & R3.

   THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1338 OF 2000

Dated this the 13th day of September, 2007.

J U D G M E N T

Harun-Ul-Rashid, J.

This appeal is filed by the claimant in L.A.R. No. 100/1991 on the file of II Additional Sub Court, Thrissur. The extent acquired is 24.255 cents of land in Chembukavu village. Section 4(1) notification was published on 25.03.1988. The Land Acquisition Officer fixed the land value at the rate of Rs. 7,410/- per Are. Dissatisfied with the compensation fixed, the matter was referred at the instance of the claimant to the Sub Court, Thrissur.

2. The Sub Court after examining all the evidence on record and considering the importance of the locality wherein the acquired land is situated, refixed the land value at the rate of Rs. 8,000/- per cent.

3. The claimant produced Exhibits A4 to A7 in support of the claim for enhanced land value and contended before the court below to fix the land value at the rate of Rs. 20,000/- per cent.

4. We have examined Exhibit A4 document. The assignee is Life Insurance Corporation of India. 35 cents of dry land was sold for Rs. 10,50,000/- as per Exhibit A4 assignment deed. The rate at which the property was purchased is Rs. 30,000/- per cent. The document was executed in the year 1986. It has come out in evidence that the acquired property and the property covered by Exhibit A4 document are nearby lands. The location of both properties are more or less in important areas in Thrissur town.

5. Exhibit A5 is another document produced by the appellant-claimant which is lying near to the acquired land. The only difference is that Exhibit A5 property is lying on the western side of the National Highway whereas the acquired property situates on the eastern side of the National Highway. The extent covered in Exhibit A5 Sale Deed is 43 and odd cents, sold for Rs. 8,64,000/-. The rate at which the property was sold on 20.02.1988 is at the rate of Rs. 20,000/- per cent.

6. The only reason stated by the learned Sub Judge for not placing reliance on Exhibit A5 is the location of the A5 property on the western side of the National Highway. We have also

noticed the fact from the evidence of AW1 and AW4 that the acquired land is having high potential value considering its location and situation near very many important institutions in Thrissur town. Considering the importance of the land, its nearness to important institutions and taking into consideration Exhibits A4 and A5, we are of the view that the claimant is entitled to the land value at the rate of Rs. 12,000/- per cent.

In the facts and circumstances stated above, the judgment and decree of the court below is modified and the land value is refixed at Rs. 12,000/- per cent. The appellant-claimant is also entitled to all eligible statutory benefits.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 1338 OF 2000

J U D G M E N T

13.09.2007